

In Re: Marimuthu

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Court : Chennai

Decided On : Mar-19-1909

Reported in : 1Ind.Cas.807

Judge : Abdur Rahim, J.

Appellant : In Re: Marimuthu

Judgement :

ORDER

Abdur Rahim, J.

1. The accused in this case is a girl of 10 years and has been convicted by the Sub-Magistrate of an offence under Section 381, Indian Penal Code, with respect to a silver button worth 8 annas belonging to her master, and sentenced to one month's simple imprisonment. Under Section 83, Indian Penal Code, a child between 7 and 12 years of age cannot be hold guilty of an offence with respect to any act unless it is shown that the child had attained sufficient maturity of understanding to judge of the nature and consequences of that act. See Queen-Empress v. Makimuddin 27 C.k 138. The Magistrate does not appear to have applied his mind to this question and the fact which transpired upon the evidence, viz., that the girl picked up the button and gave it to her mother does not in itself show that she knew that she was doing anything wrong. Further, I must note that the Sub-Magistrate was not justified in passing a sentence of imprisonment upon

the accused even if an offence had been made out. 1 reverse the conviction and sentence, and the accused will be discharged from bail.

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